



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Curl's Building Maintenance, Inc.--Request  
for Reconsideration

**File No:** B-237012.2

**Date:** March 26, 1990

Jay L. Cohen, Esq., for the protester.  
Douglas G. White, Esq., Defense Communications Agency, for  
the agency.  
Christina Sklarew, Esq., and Michael R. Golden, Esq., Office  
of the General Counsel, GAO, participated in the preparation  
of the decision.

### DIGEST

Request for reconsideration is denied where it is based on  
information which is inconsistent with the basis of the  
original protest and which the protester withheld from our  
Office when protest was originally filed.

### DECISION

Curl's Building Maintenance, Inc., requests reconsideration  
of our decision, in Curl's Bldg. Maintenance, B-237012,  
Dec. 1, 1989, 89-2 CPD ¶ 509. In that decision we denied  
Curl's protest that invitation for bids (IFB) No. DCA200-89-  
B-0009, issued by the Defense Commercial Communications  
Office (DECCO), was improperly set aside exclusively for  
small disadvantaged business (SDB) participation, and  
dismissed Curl's protest that it had been improperly  
excluded from the competition. We deny the request for  
reconsideration.

In its original protest, Curl's claimed that it was improper  
to restrict the solicitation for custodial and snow-removal  
services for a particular building located at Scott Air  
Force Base to SDB concerns because the custodial contract  
for the entire Air Force base, which had been issued by the  
Air Force and had included this building in the past,  
previously was set aside for small business participation.  
We found that it was reasonable for DECCO to determine that

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the regulations precluding the use of an SDB set-aside, where the requirement had previously been successfully acquired under a small business set-aside, did not apply because the procurement represented a first-time acquisition by DECCO.

Having found the set-aside proper, we dismissed the remaining issues raised in Curl's protest, since it was apparent from Curl's objections to the SDB set-aside that Curl's was ineligible for award under an SDB set-aside.

In its request for reconsideration, Curl's argues that it is, in fact, an SDB. The standard for reconsideration is that a requesting party must show that our prior decision contains either an error of fact or law or present information not previously considered that warrants reversal or modification of our decision. Bid Protest Regulations, 4 C.F.R. § 21.12(a) (1989); I.T.S. Corp.--Reconsideration, B-228919.2, Feb. 2, 1988, 88-1 CPD ¶ 101. Our Bid Protest Regulations are designed to give protesters and interested parties an opportunity to present their cases with the least disruption possible to the orderly and expeditious process of government procurements. Dynalelectron Corp., 65 Comp. Gen. 93 (1985), 85-2 CPD ¶ 634. Hence, we do not permit a piecemeal presentation of evidence, information or analysis. Inter-Continental Equip., Inc.--Reconsideration, B-230266.3, Apr. 3, 1988, 88-1 CPD ¶ 343.

Here, the protester's assertion, for the first time in its reconsideration, that it could compete under an SDB set-aside is inconsistent with the stated basis for its original protest. Furthermore, during the initial protest, when asked whether Curl's was an SDB, Curl's counsel declined to respond conclusively. Parties that withhold or fail to submit all relevant evidence, information or analysis for our initial consideration, hoping that we will draw conclusions favorable to their position, do so at their own peril. See Dept. of the Navy--Reconsideration, B-229491.2, May 9, 1988, 88-1 CPD ¶ 445.

The request for reconsideration is denied.

  
for James F. Hinchman  
General Counsel